

EXHIBIT S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

- - - - -

IN RE: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
PRICE LITIGATION) 01-CV-12257-PBS
THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-a-Care of) Judge Patti B. Saris
the Florida Keys, Inc.,)
vs.) Chief Magistrate
Abbott Laboratories, Inc.,) Judge Marianne B.
No. 06-CV-11337-PBS) Bowler

- - - - -

(Captions continued on following pages)

DEPOSITION OF JOHN M. LOCKWOOD, M.D. - VOLUME III

CONTAINS HIGHLY CONFIDENTIAL PORTIONS

Videotaped deposition of John M. Lockwood, M.D.,
held at the Law Offices of Hunton & Williams, LLP,
1111 Brickell Avenue, Suite 2500, Miami, Florida,
33131, on Wednesday, March 17, 2008, commencing at
9:09 a.m., before Donald W. McKay, RMR, CRR, a
Notary Public for the State of Florida.

1 witness. I just want to caution the witness not
2 to get into substantive communications with
3 counsel for the Department of Justice or your own
4 counsel.

5 THE WITNESS: So that is a disclosure
6 that I recall --

7 BY MR. KATZ:

8 Q. When would that have been?

9 A. Well, it was prior to filing that
10 federal case. So it was -- which I don't have
11 the filing date of. But my recollection is that
12 occurred sometime in early 2000. So it was
13 probably in late '99 or early 2000. I don't
14 know. It was -- Mr. Breen insisted that we go
15 and disclose all this evidence and explain what
16 we were doing to the government before we filed
17 the complaint. So we did that.

18 Q. Who was at that meeting?

19 A. Mr. Breen. Myself. Zachary Bentley.
20 Mark Jones. And for the government?

21 Q. Yes. And when you say "the
22 government," you mean the Federal Government?

1 A. Yes. The guy who sticks in my mind is
2 a fellow named Peter Levitt who was with the U.S.
3 Attorney's Office at that time. And I believe a
4 guy named George Vien was there, who was also --
5 V-I-E-N -- yeah -- who was also there at that
6 time.

7 Actually, Zach may have had a meeting
8 with them even earlier than that, where he talked
9 to a guy named Michael Loucks about some of these
10 cases.

11 Q. Spell that last name.

12 A. L-O-U-C-K-S.

13 Q. Anyone else at the meeting?

14 A. Yeah. There were a number of people
15 there. Those were the people that I could think
16 of now.

17 Q. Were there any representatives of any
18 state governments there?

19 A. At that meeting? I don't think so, no.

20 Q. Other than representatives of Ven-a-
21 Care and the Federal Government, was there anyone
22 else?

1 A. Not that I'm aware of. No, I don't
2 think so.

3 Q. I think -- well, do you have a specific
4 recollection of providing information regarding
5 Dey's Albuterol inhaler during that meeting?

6 A. That is my recollection, yes. I
7 believe that that -- in that complaint, Dey was
8 in that complaint; and the Albuterol inhaler, I
9 believe, was in that complaint. That was our
10 goal, to go and explain the case and show them
11 the pricing and the differentials and the issues.
12 So that's, you know, my recollection of what we
13 did at that meeting. That was the point of the
14 meeting.

15 Q. I think you were starting to say that
16 there might have been some subsequent meetings.

17 A. Well, at -- you know, it's been a few
18 years. I'm trying to put it together. But at
19 some point, we were able to give them essentially
20 a copy of all the drug prices that were available
21 to us through McKesson, the wholesaler. And
22 included on that were the prices that were